

EXHIBITS



August 29, 2011

Arnold H. Huftalen, AUSA
United States Attorney's Office
53 Pleasant St. 4th Floor
Concord, NH 03301

Re: Subpoena-Case No. 11-06-01-JL

Dear Mr. Huftalen:

Enclosed you will find the records you requested for the above case number. I hope you find the information helpful.

If you have questions, or if I can be of any further assistance, please feel free to contact me at (203) 338-3849.

Sincerely,

A handwritten signature in black ink that reads "Brenda L. Burgess". The signature is fluid and cursive, with "Brenda" on top and "L. Burgess" on the line below.

Brenda L. Burgess
Legal Service of Process Representative

Statement of Account
0444196432



018079

BRIAN E MAHONEY
PO BOX 2071
DOVER NH 03821-2071

July 08, 2011
Total days in statement period: 30
(0)
Page 1 of 1

Direct Inquiries to:
CALL CENTER
1-800-894-0300

Peoples United Bank
537 Central Avenue
Dover NH 03820

Summary of Account Balance

Account	Number	Ending Balance
Plus Checking	0444196432	\$9,313.50

Plus Checking 0444196432

Average balance \$8,461.37

Date	Description	Additions	Subtractions	Balance
06-08	Beginning balance			\$8,151.50
07-01	#ACH Credit US TREASURY 303 XXSOC SEC 110701	1,162.00		9,313.50
07-08	Ending totals	1,162.00	.00	\$9,313.50

	Total for this period	Total year-to-date
Total Overdraft Fees	\$0.00	\$0.00
Total Returned Item Fees	\$0.00	\$0.00



BRIAN E MAHONEY
PO BOX 2071
DOVER NH 03821-2071

Account Number 444196432	Ending Date 7/07/2010
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For questions about your electronic transfers, please call 1-800-367-8862.

BREAKFREE CHECKING

Account Number: 444196432

Account Summary

ACCOUNT TITLE: BRIAN E MAHONEY

BREAKFREE CHECKING		CHECK SAFEKEEPING	
Account Number	444196432	Statement Dates	6/08/10 thru 7/07/10
BEGINNING BALANCE	\$266.95	DAYS IN THIS STATEMENT PERIOD	30
1 CREDITS	\$1,128.00	AVERAGE LEDGER BALANCE	\$189.51
24 DEBITS	\$957.28	AVG COLLECTED BALANCE	\$189.51
SERVICE CHARGE	\$0.00		
INTEREST PAID	\$0.00		
ENDING BALANCE	\$437.67		

DEPOSITS AND OTHER CREDITS

Date	Transaction Details	Amount
7/02	US TREASURY 303 3031036030 ENTRY DESC SOC SEC PPD TRACE # 031736012433675	\$1,128.00

DEBITS

Date	Transaction Details	Amount
6/10	POS DEB 1644 06/09/10 00056832 CVS 00666 NEWINGTON NH Card# 834527	-\$39.98
6/15	ATM W/D 1728 06/14/10 00006558 OCEAN BANK PORTSMOUTH NH Card# 834527	-\$20.00
6/16	DBT CRD 2101 06/15/10 00030792 ASIA DOVER DOVER NH Card# 834527	-\$24.84
6/16	POS DEB 1617 06/15/10 00014646 FAMILY DOLLAR # DOVER NH Card# 834527	-\$20.74
6/16	ATM W/D 1225 06/16/10 00008093	-\$20.00

OCEAN BANK
DURHAM NH
Card# 834527

6/16	POS DEB 2144 06/15/10 00867771 TEDESCHI FOOD S DOVER NH Card# 834527	-\$9.98
6/17	DBT CRD 2111 06/16/10 00015715 SMILEY'S BEVERAGE DOVER NH Card# 834527	-\$5.04
6/17	DBT CRD 2111 06/16/10 00015716 SMILEY'S BEVERAGE DOVER NH Card# 834527	-\$5.04
6/18	DBT CRD 0002 06/18/10 00011323 SUNOCO 0267970200 Q21 PORTSMOUTH NH Card# 834527	-\$15.02
7/02	ATM SERVICE CHARGE	-\$2.00
7/02	ATM W/D 1516 07/02/10 00527676 GCA* SEABROOK GREYHOUN SEABROOK NH Card# 834527	-\$201.00
7/02	POS DEB 0804 07/02/10 00645662 CNS RITE AID CO DOVER NH Card# 834527	-\$59.98
7/02	POS DEB 0811 07/02/10 00325092 CNS RITE AID CO DOVER NH Card# 834527	-\$34.39
7/02	POS DEB 0842 07/02/10 00018493 #07479 SHAW'S M DOVER NH Card# 834527	-\$25.09
7/06	ATM SERVICE CHARGE	-\$2.00
7/06	ATM W/D 1843 07/05/10 00527553 GCA* SEABROOK GREYHOUN SEABROOK NH Card# 834527	-\$201.00
7/06	ATM W/D 1323 07/06/10 00002903 OCEAN BANK HAMPTON NH Card# 834527	-\$60.00
7/06	DBT CRD 0522 07/03/10 00029027 DURHAM 66 10090868 DURHAM NH Card# 834527	-\$46.95
7/07	DBT CRD 2114 07/06/10 00012609 JOSEPH R. MITCHELL NEWINGTON NH Card# 834527	-\$18.00

CHECKS

No	Date	Amount	No	Date	Amount	No	Date	Amount
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1	6/29	-\$3.00	331*	6/14	-\$11.90	453*	6/18	-\$30.75
317*	7/06	-\$40.00	332	6/09	-\$60.58			

* INDICATES BREAK IN CHECK # SEQUENCE

BALANCE SUMMARY

Date	Balance	Date	Balance	Date	Balance
6/08	\$266.95	6/15	\$134.49	6/29	\$0.08
6/09	\$206.37	6/16	\$58.93	7/02	\$805.62
6/10	\$166.39	6/17	\$48.85	7/06	\$455.67
6/14	\$154.49	6/18	\$3.08	7/07	\$437.67

For questions about your electronic transfers, please call 1-800-367-8862.



BRIAN E MAHONEY
PO BOX 2071
DOVER NH 03821-2071

Account Number 444196432	Ending Date 7/16/2010
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For questions about your electronic transfers, please call 1-800-367-8862.

BREAKFREE CHECKING

Account Number: 444196432

Account Summary

ACCOUNT TITLE: BRIAN E MAHONEY

BREAKFREE CHECKING	CHECK SAFEKEEPING
Account Number	444196432
BEGINNING BALANCE	\$437.67
CREDITS	\$0.00
8 DEBITS	\$357.00
SERVICE CHARGE	\$0.00
INTEREST PAID	\$0.00
ENDING BALANCE	\$80.67
Statement Dates	7/08/10 thru 7/18/10
DAYS IN THIS STATEMENT PERIOD	11
AVERAGE LEDGER BALANCE	\$185.03
AVG COLLECTED BALANCE	\$185.03

DEBITS

Date	Transaction Details	Amount
7/12	ATM SERVICE CHARGE	-\$2.00
7/12	ATM SERVICE CHARGE	-\$2.00
7/12	ATM W/D 1148 07/10/10 00002249 OCEAN BANK ROCHESTER NH Card# 834527	-\$100.00
7/12	ATM W/D 1612 07/09/10 00000970 SIGNAL VARIE-69 ROCHESTER NH Card# 834527	-\$61.50
7/12	ATM W/D 1805 07/11/10 00001066 SIGNAL VARIE-69 ROCHESTER NH Card# 834527	-\$61.50

CHECKS

No	Date	Amount	No	Date	Amount	No	Date	Amount
315	7/08	-\$50.00	316	7/08	-\$20.00	318*	7/12	-\$60.00

* INDICATES BREAK IN CHECK # SEQUENCE

BALANCE SUMMARY

Date	Balance	Date	Balance
7/08	\$367.67	7/12	\$80.67

For questions about your electronic transfers, please call 1-800-367-8862.



BRIAN E MAHONEY
PO BOX 2071
DOVER NH 03821-2071

**Statement of
Accounts**
0444196432
Statement Date
August 08, 2010
**Total days in
statement period**
21

Direct Inquiries to:
CALL CENTER
1-800-894-0300
Peoples United Bank
537 Central Avenue
Dover NH 03820

Back of Statement
(Checking Account)
Back of Statement (CD or
Savings)

Statement Summary

Account	Number	Ending Balance
Plus Checking	0444196432	\$218.86

**WANT TO RECEIVE YOUR STATEMENTS ELECTRONICALLY?
GO TO PEOPLES.COM/PAPERLESS AND SIGN UP FOR E-STATEMENTS.**

Plus Checking 0444196432

Average balance	\$118.73
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Date	Description	Additions	Subtractions	Balance
07-18	Beginning balance			\$80.67
07-19	#Nyce ATM Withdrawal Cash Withdrawal Terminal 000072E7 537 Central Ave Dover NH XXXXXXXXXXXX4527		\$60.00-	\$20.67
07-19	#Nyce POS Purchase POS Purchase Terminal 00721723 Cns Rite Aid CO Rochester NH XXXXXXXXXXXX4527		\$19.99-	\$0.68
08-03	#ACH Credit US Treasury 303 Soc Sec 100803	\$1,128.00		\$1,128.68
08-03	#Nyce POS Purchase POS Purchase Terminal 32902695 Usps 3218000820 Dover NH XXXXXXXXXXXX4527		\$54.80-	\$1,073.88
08-03	#Nyce POS Purchase POS Purchase Terminal 15893401 Shell Service S Dover NH XXXXXXXXXXXX4527		\$44.05-	\$1,029.83
08-03	#Nyce POS Purchase POS Purchase Terminal 15893401		\$0.99-	\$1,028.84

Shell Service S Dover NH
XXXXXXXXXXXX4527

08-03	#Nyce POS Purchase/Cb POS Pch Csh Back Terminal W0352027 Walgreen Compan Rochester NH XXXXXXXXXXXX4527	\$119.98-	\$908.86
08-04	#ATM Withdrawal Cash Withdrawal Terminal 000000000 537 Central Ave Dover NH XXXXXXXXXXXX4527	\$300.00-	\$608.86
08-04	#Mastermoney Purchase POS Purchase Terminal 12345678 Friendly Ice Cr Rochester NH XXXXXXXXXXXX4527	\$10.00-	\$598.86
08-05	#ATM Withdrawal Cash Withdrawal Terminal 000000000 110 S Main St Rochester NH XXXXXXXXXXXX4527	\$100.00-	\$498.86
08-05	#ATM Withdrawal Cash Withdrawal Terminal 000000000 537 Central Ave Dover NH XXXXXXXXXXXX4527	\$60.00-	\$438.86
08-05	#ATM Withdrawal Cash Withdrawal Terminal 000000000 110 S Main St Rochester NH XXXXXXXXXXXX4527	\$60.00-	\$378.86
08-05	#ATM Withdrawal Cash Withdrawal Terminal 000000000 110 S Main St Rochester NH XXXXXXXXXXXX4527	\$60.00-	\$318.86
08-06	#ATM Withdrawal Cash Withdrawal Terminal 000000000 537 Central Ave Dover NH XXXXXXXXXXXX4527	\$100.00-	\$218.86
08-08	Ending totals	\$1,128.00	\$989.81-
			\$218.86

OVERDRAFT/RETURN ITEM FEES

	Total for this Period	Total year-to-date
Total Overdraft Fees	\$0.00	\$0.00
Total Returned Item Fees	\$0.00	\$0.00



BRIAN E MAHONEY
PO BOX 2071
DOVER NH 03821-2071

**Statement of
Accounts**
0444196432
Statement Date
September 08, 2010
**Total days in
statement period**
31

Direct Inquiries to:

CALL CENTER
1-800-894-0300
Peoples United Bank
537 Central Avenue
Dover NH 03820

Back of Statement
(Checking Account)
Back of Statement (CD or
Savings)

Statement Summary

Account	Number	Ending Balance
Plus Checking	0444196432	\$443.89

Plus Checking 0444196432

Average balance \$155.64

Date	Description	Additions	Subtractions	Balance
08-08	Beginning balance			\$218.86
08-10	#ATM Withdrawal Cash Withdrawal Terminal 000000000 110 S Main St Rochester NH XXXXXXXXXXXX4527		\$60.00-	\$158.86
08-16	#Nyce POS Purchase POS Purchase Terminal 63082201 Hannaford #8242 Dover NH XXXXXXXXXXXX4527		\$11.21-	\$147.65
08-16	#Nyce POS Purchase POS Purchase Terminal 63082201 Hannaford #8242 Dover NH XXXXXXXXXXXX4527		\$9.56-	\$138.09
08-16	#Mastermoney Purchase POS Purchase Terminal 12345678 Redbox *dvd Ren Oakbrkter IL XXXXXXXXXXXX4527		\$1.00-	\$137.09
08-17	Check 320		\$21.00-	\$116.09
08-17	#Nyce POS Purchase/Cb POS Pch Csh Back Terminal 0078CG11 Quick Togo Somerswor NH XXXXXXXXXXXX4527		\$36.25-	\$79.84
08-17	#Mastermoney Purchase POS Purchase Terminal 12345678		\$5.88-	\$73.96

Staples 0 Somerswor NH
XXXXXXXXXXXX4527

08-18	#Nyce POS Purchase POS Purchase Terminal 00003230 Cns Rite Aid CO Dover NH XXXXXXXXXXXX4527	\$25.59-	\$48.37
08-18	#Nyce POS Purchase POS Purchase Terminal 63082201 Hannaford #8242 Dover NH XXXXXXXXXXXX4527	\$10.92-	\$37.45
08-19	#ATM Withdrawal Cash Withdrawal Terminal 000000000 537 Central Ave Dover NH XXXXXXXXXXXX4527	\$20.00-	\$17.45
08-23	#Nyce POS Purchase POS Purchase Terminal 32902696 Usps 3218000820 Dover NH XXXXXXXXXXXX4527	\$15.92-	\$1.53
09-03	#ACH Credit US Treasury 303 Soc Sec 100903	\$906.50	\$908.03
09-03	#ATM Withdrawal Cash Withdrawal Terminal 72E7 537 Central Ave Dover NH XXXXXXXXXXXX4527	\$300.00-	\$608.03
09-03	#Nyce POS Purchase POS Purchase Terminal 32902697 Usps 3218000820 Dover NH XXXXXXXXXXXX4527	\$8.80-	\$599.23
09-07	#Nyce POS Purchase POS Purchase Terminal 00510005 Market Basket Lee NH XXXXXXXXXXXX4527	\$100.38-	\$498.85
09-07	#Nyce POS Purchase POS Purchase Terminal LK731177 Aubuchon Hdw #1 Lee NH XXXXXXXXXXXX4527	\$14.99-	\$483.86
09-07	#Nyce POS Purchase POS Purchase Terminal LK731177 Aubuchon Hdw #1 Lee NH XXXXXXXXXXXX4527	\$6.98-	\$476.88
09-08	#Nyce POS Purchase POS Purchase Terminal W1078032 Walgreen Compan Dover NH XXXXXXXXXXXX4527	\$19.49-	\$457.39
09-08	#Nyce POS Purchase POS Purchase Terminal W1078032 Walgreen Compan Dover NH XXXXXXXXXXXX4527	\$13.50-	\$443.89
09-08	Ending totals	\$906.50	\$681.47- \$443.89

OVERDRAFT/RETURN ITEM FEES

	Total for this Period	Total year-to-date

Total Overdraft Fees	\$0.00	\$0.00
Total Returned Item Fees	\$0.00	\$0.00

1 Enclosures

Number	Date	Amount
320	August 17, 2010	\$21.00-

0444196432 PAGE

##XCH1136DPCSTM 11081000444196432

Statement of Account

0444196432

Brian E Mahoney

Page 2 of 3

Date	Description	Additions	Subtractions	Balance
10-18	#Mastermoney Purchase 00000197470000		-11.00	18.79
	POS Purchase Terminal 12345678			
	Optima 07899446 Somerswor NH			
	XXXXXX0000X4527			
10-22	#Mastermoney Purchase 00000305890000		-5.45	13.34
	POS Purchase Terminal 12345678			
	Bunker Hill com Boston MA			
	XXXXXX0000X4527			
10-22	#Mastermoney Purchase 00000154550000		-3.20	10.14
	POS Purchase Terminal 12345678			
	Bunker Hill com Boston MA			
	XXXXXX0000X4527			
10-25	#Mastermoney Purchase 00000157110000		-2.97	7.17
	POS Purchase Terminal 12345678			
	McDonald'S F226 Boston MA			
	XXXXXX0000X4527			
10-25	#Mastermoney Purchase 00000194940000		-2.48	4.69
	POS Purchase Terminal 12345678			
	Landmark News G Boston MA			
	XXXXXX0000X4527			
10-26	#Mastermoney Purchase 00000177070000		-3.81	0.88
	POS Purchase Terminal 12345678			
	Foodmaster Super Charlesto MA			
	XXXXXX0000X4527			
11-02	#Nyce Balance Inquiry 00000507480000		-0.00	0.88
	Balance Inquiry Terminal 00720071			
	20 City Sq Boston MA			
	XXXXXX0000X4527			
11-03	#ACH Credit 1,167.00 31736012393660			1,167.88
	US Treasury 303 Soc Sec			
	101103			
11-03	#Nyce ATM Withdrawal 00000094110000		-300.00	867.88
	Cash Withdrawal Terminal MZ5301			
	5 Austin Street Charlesto MA			
	XXXXXX0000X4527			
11-03	#Ntwk ATM Surcharge 00000094110000		-2.75	865.13
	Surcharge Amount Terminal MZ5301			
	5 Austin Street Charlesto MA			
	XXXXXX0000X4527			
11-03	#Nyce Balance Inquiry 00000017370000		-0.00	865.13
	Balance Inquiry Terminal 00720071			
	20 City Sq Boston MA			
	XXXXXX0000X4527			
11-03	#Nyce Balance Inquiry 00000325450000		-0.00	865.13
	Balance Inquiry Terminal 00720071			
	20 City Sq Boston MA			
	XXXXXX0000X4527			
11-03	#Nyce Balance Inquiry 00000094080000		-0.00	865.13
	Balance Inquiry Terminal MZ5301			
	5 Austin Street Charlesto MA			
	XXXXXX0000X4527			

0444196432 PAGE

##XH1136DPCSTM

11081000444196432

Statement of Account

0444196432

Brian E Mahoney
Page 3 of 3

Date	Description	Additions	Subtractions	Balance
11-04	#Nyce ATM Withdrawal 00000314130000 Cash Withdrawal Terminal IMAD0456 *philipos Remote Boston MA XXXXXXXXXXXXX4527		-200.00	665.13
11-04	#Ntwk ATM Surcharge 00000314130000 Surcharge Amount Terminal IMAD0456 *philipos Remote Boston MA XXXXXXXXXXXXX4527		-2.00	663.13
11-05	#Nyce ATM Withdrawal 00000037280000 Cash Withdrawal Terminal MZ5300 5 Austin Street Charlesto MA XXXXXXXXXXXXX4527		-300.00	363.13
11-05	#Mastermoney Purchase 00000136650000 POS Purchase Terminal 12345678 Tedeschi Food 3 Charlesto MA XXXXXXXXXXXXX4527		-42.50	320.63
11-05	#Mastermoney Purchase 00000136660000 POS Purchase Terminal 12345678 Tedeschi Food 3 Charlesto MA XXXXXXXXXXXXX4527		-42.50	278.13
11-05	#Ntwk ATM Surcharge 00000037280000 Surcharge Amount Terminal MZ5300 5 Austin Street Charlesto MA XXXXXXXXXXXXX4527		-2.75	275.38
11-08	#Service Charge 00000000000000 Network ATM		-14.00	261.38
11-08	Ending totals	1,167.00	-1,226.51	\$261.38

	Total for this period	Total year-to-date
Total Overdraft Fees	\$0.00	\$0.00
Total Returned Item Fees	\$0.00	\$0.00

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA

v.

1:11-cr-

BRIAN E. MAHONEY

INDICTMENT

The Grand Jury charges:

COUNT ONE

Between on or about July 31, 2010 and November 5, 2010, in
the Districts of New Hampshire and Massachusetts, the defendant

BRIAN E. MAHONEY,

an individual required to register under the Sex Offender
Registration and Notification Act, who traveled in interstate
commerce from the State of New Hampshire to Massachusetts,
knowingly failed to update his sex offender registration in the
State of New Hampshire, as required by the Sex Offender
Registration and Notification Act.

In violation of Title 18, United States Code, Section
2250(a).

January 19, 2011

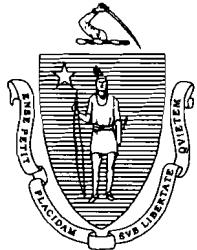
TRUE BILL

/s/ Foreperson

Grand Jury Foreperson

John P. Kacavas
United States Attorney

By: /s/ Arnold H. Huftalen
Arnold H. Huftalen
Assistant U.S. Attorney



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Mental Health
25 Staniford Street
Boston, Massachusetts 02114-2575

CHARLES D. BAKER

Governor

KARYN E. POLITO

Lieutenant Governor

MARYLOU SUDDERS

Secretary

(617) 626-8000
www.mass.gov/dmh

JOAN MIKULA

Commissioner

November 1, 2016

Brian E. Mahoney
 Reg. No. #12232-049, Unit N-5
 Federal Medical Center, Devens
 Ayer, Massachusetts 01432

Re: Eligibility Appeal - Final Decision

Dear Mr. Mahoney:

I am writing to inform you of the decision of the Department of Mental Health concerning your application for DMH adult services.

The Department appointed a hearing officer who convened a fair hearing on September 28, 2016. Given the evidence, the hearing officer determined that there was a reasonable basis for the Department's decision to deny your application for services based on clinical criteria, in accordance with 104 CMR 29.04(2). A copy of the hearing officer's decision is enclosed.

I find that the hearing officer's decision is in accordance with applicable law, and hereby adopt its findings of fact, conclusions of law, and reasoning as my own. I am, therefore, denying your appeal. This is the final decision of the Department in this matter.

You have the right to seek judicial review, within 30 days of receipt of this decision, in accordance with the standards and procedures contained in M.G.L. c. 30A, § 14.

Sincerely,

A handwritten signature in black ink that reads 'Joan Mikula'.

Joan Mikula
 Commissioner

Enclosure

cc: Dominic J. Gervasi, Esq., Hearing Officer
 Patricia Kenny, Metro Boston Area Director
 David Hoffman, M.D., Metro Boston Area Medical Director
 David Kolman, Esq., Assistant General Counsel

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Mental Health

In Re: BEM
Decision

A hearing was held at the Federal Medical Center on September 28, 2016. BEM (“the Appellant”) attended the hearing and was not represented. The Department of Mental Health (“DMH”) was represented by Attorney David Kolman and Dr. David Hoffman, Medical Director for the Metro Boston Area.

The witnesses were placed under oath. The hearing consisted of oral testimony of two witnesses and the introduction of 19 exhibits (marked Exhibit #1 through Exhibit #19). The record was closed at the conclusion of the hearing.

I. STATUTORY PROVISIONS AND ISSUE OF LAW:

104 CMR 29.04 (2)(a) and 104 CMR 29.16 (2)(a) - Whether the DMH’s March 25, 2016, denial of BEM’s eligibility for adult services, based on clinical criteria, has a reasonable basis.

II. FINDINGS OF FACTS:

1. BEM reported he was born on May 23, 1959, in Quincy, Massachusetts, and raised in Charlestown, Massachusetts. BEM described Charlestown as being a violent place to grow up. His father reportedly lived with the family until BEM was six years old. In 1966, BEM’s father was convicted of a triple homicide, for which he served 27 years in prison and he reportedly committed suicide 18 months after his release. BEM reported that his mother has recently passed away. There is no record of developmental delays contained in the record and BEM was described an active child who had a positive relationship with his mother. Documents contained in the file indicate that BEM quit high school while in the 9th grade and reported that he was a good student while in school but was placed in special education due to behavioral problems. BEM obtained his GED certificate and has completed a 15-week legal preparation course at Suffolk Law School and took building construction and technology courses at Wentworth Institute of Technology in Boston. BEM is a few credits short of an Associate’s Degree. BEM is currently married. (Exhibit #2, Exhibit #16, Exhibit #19 and Testimony of BEM)
2. BEM’s medical history includes diminished hearing in his left ear as a result of a firecracker incident which damaged his left ear drum when he was 13 years of age, a 1995 work related injury in which he fell approximately 53 feet breaking his leg, back and sustaining a head injury which caused him to lose consciousness for 24 hours. In

2007, BEM was beaten unconscious by police and in 2010 BEM is reported to have suffered a heart attack. (Exhibit #19 and Testimony of Dr. Hoffman)

3. According to the Risk Assessment Panel Report dated November 6, 2015, BEM has a lengthy criminal history which includes 34 adult criminal convictions and approximately 20 other arrests. Some of the criminal convictions involved acts of violence. In 1978, he was convicted of Assault and Battery. In 1979, he was convicted of Assault with a Dangerous Weapon (pliers) and Assault and Battery. In 1983, BEM was convicted of Assault with a Dangerous Weapon (knife) with Intent to Rape and was incarcerated for six years at Massachusetts Correctional Institute (MCI) - Walpole. In 1996, BEM was convicted of Assault and Battery and again in 1997. BEM was also incarcerated at MCI Concord in 2008 and 2009. BEM emphatically denied that this criminal record is correct and argued that there were other individuals with the same name that were used for the purposes of compiling the criminal record. Some of the charges included in error are charges for Armed Robbery and Gun Charges. According to transcripts of the proceeding before Judge Sarris it appears that there were 4 people with the same name as BEM and two of those people had the same date of birth. (Exhibit #4, Exhibit #19, Exhibit #16 and Testimony of BEM)
4. BEM first sought mental health treatment in 1989 shortly after his release from incarceration for Attempted Rape. It was reported that BEM sought treatment due to feedback he had received that his fast speech and demeanor were overbearing. BEM was treated by Dr. Martinez, a psychiatrist at Massachusetts General Hospital. BEM continued to see Dr. Martinez until 1994 and returned to Dr. Martinez in 1996. (Exhibit #19)
5. BEM was treated at the Avis-Goodwin Health Center beginning in December 2004 and was seen one to two times per month through December 7, 2010. BEM was seen for numerous physical ailments and reasons including medication monitoring. On January 26, 2005, BEM reported feeling anxious and was reported to be extremely agitated and compulsive. BEM was prescribed medication for Anxiety and Attention Deficit Hyperactivity Disorder (ADHD). (Exhibit #18)
6. BEM received psychiatric treatment in the course of his incarceration at MCI Concord between 2008 and 2009. He presented with mood instability and distress about his legal case pertaining to having to register as a sex offender. He was also described to have engaged in repeated altercations with other inmates, and to have endorsed suicidal ideation and engaged in self-harming behavior (scratching and cutting himself) upon receiving disciplinary reports. It was believed BEM's behavior was in an effort to manipulate his housing status. No signs or symptoms of psychosis were noted. BEM was diagnosed with ADHD, General Anxiety Disorder (GAD), Mood Disorder, Not Otherwise Specified (NOS), and Borderline Personality Disorder. (Exhibit #19)
7. In 2009, BEM reportedly became depressed and his primary care physician prescribed Wellbutrin and Adderall (stimulant). The defendant was compliant with neither

medication and was then referred to Avis-Goodwin Community Health Center for psychiatric treatment. At Avis-Goodwin, BEM was treated by Dr. Haile, who prescribed Xanax and Seroquel an antipsychotic and mood stabilizer. He also received weekly counseling. According to Avis Goodwin Community Health Center records, BEM had an initial evaluation in December, 2009. At that time, he endorsed problems with anxiety, chronic pain, emotional trauma, sleep, and ADHD, BEM was prescribed Xanax and Celexa. On January 8, 2010, a mental health assessment was performed on BEM by Rachel Wizwer, LICSW. BEM reported that he was recently released from prison and he has been experiencing anxiety and hyperactivity for as long as he could remember. On April 10, 2010, during a follow up appointment and was seen by Diana Haile, ARNP. BEM presented as being more hyper than on previous occasions and stated that he felt that his psychosis is from all of the injustices that have happened to him. BEM appeared to present as either Bipolar I with possible psychotic features or Schizoaffective Disorder as well as possible Anti-Social Personality Disorder traits and Narcissism. (Exhibit #17 and Exhibit #19)

8. In 2011 BEM was arrested and charged with Failing to Register as a Sex Offender. BEM was indicted in the District of New Hampshire where the charged crime was alleged to have occurred. BEM was held at the Strafford County House of Correction. Records indicate that BEM requested to be evaluated by mental health staff due to complaints of increased depression and anxiety related to his legal charges. He requested his psychiatric medications Xanax and Seroquel be restarted, as he had stopped taking them upon his arrest in November. His working diagnoses included Depressive Episode, possible Bipolar Mood Disorder, and features of Antisocial Personality Disorder. (Exhibit#19)
9. In April 2011, the court issued an order that BEM be evaluated for competence to stand trial. He was evaluated at the Federal Medical Center (FMC) in Devens, Massachusetts and treated by Dr. Miriam Kissin from April through May 2011. At the time of admission, his speech was noted to be pressured and he complained of feeling "hyper" and "depressed." He reported a history of hearing voices telling him to harm himself and assuring him his charges were unfair. He was diagnosed with Bipolar II Disorder, Hypomanic, Moderate and the opinion was offered he was competent to stand trial. (*Id.*)
10. In June 2012, the Court found BEM incompetent to assist properly in his defense and/or to conduct his own defense. He was then committed for competency restoration treatment. On February 21, 2013, BEM was civilly committed by United States District Court Judge Joseph Laplante who requested an evaluation with regard to whether BEM suffered from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another under Section 4246 of the United States Code. (Exhibit#3 and Exhibit#16)
11. On May 30, 2013, a forensic evaluation report was issued by Dr. Shawn Channell a forensic psychologist at the request of Judge Laplante. Dr. Channell reviewed numerous documents and medical records and BEM participated in clinical interviews. Based on BEM's history and presentation during the evaluation, Dr. Channell found BEM to have

met the diagnostic criteria for Bipolar I Disorder. Dr. Channell cited the Diagnostic and Statistical Manual of Mental Disorders-Fourth Edition-Text Revision (DSM-IV-TR), and described the essential feature of Bipolar I Disorder is a clinical course characterized by one or more Manic Episodes, which are defined as distinct periods during which there is an abnormally and persistently elevated, expansive, or irritable mood lasting for at least one week. The mood disturbance must be accompanied by at least three additional symptoms including inflated self-esteem or grandiosity, decreased need for sleep, pressure of speech, flight of ideas, distractibility, increased involvement in goal-directed behavior or psychomotor agitation, and excessive involvement in pleasurable activities. Manic episodes are sufficiently severe to cause marked impairment in occupational functioning or in usual social activities or relationships with others, or to necessitate hospitalization to prevent harm to self or others. BEM was also diagnosed with Antisocial Personality Disorder. Dr. Channell explained that the essential feature of Antisocial Personality Disorder is a pervasive pattern of disregard for and violation of the rights of others occurring since age 15 years. BEM's history includes a failure to conform to social norms with respect to lawful behaviors, as he has engaged in multiple criminal acts that were grounds for arrest. Dr. Channell provided the following diagnosis:

Axis I:	Bipolar I Disorder, Most Recent Episode Hypomanic Canabis Dependence, in a controlled environment
Axis II:	Antisocial Personality Disorder
Axis III:	Hypertension, Polyneuropathy
Axis IV:	Problems related to interaction with the legal system.
Axis V:	Current GAF 40 (Exhibit #19)

12. On March 11, 2014, the criminal charges against BEM were dismissed without prejudice. On November 4, 2014, United States District Court Judge Patti B. Saris committed BEM under Section 4246 of the United States Code. In transcripts of the proceeding provided by BEM, Dr. Channell indicated that he believed BEM to have the diagnosis of Bipolar I with psychotic features. (Exhibit #3, Exhibit #8, Exhibit #16, Exhibit #18 and Exhibit#19)
13. On January 7, 2016, BEM applied for Services from the DMH. BEM listed Bipolar I Disorder, Antisocial Personality Disorder, and Cannabis Dependence as his psychiatric diagnoses. (Exhibit #13)
14. BEM received psychological services while at FMC Devens from October 2015 through June 2016. In a diagnostic and care level formulation provided by Dr. Jonathan Gorham on February 3, 2016, BEM was provided with an Axis I diagnosis of other specified Bipolar and related disorder with psychotic features, and an Axis II diagnosis of Antisocial Personality Disorder. In formulating his diagnosis, Dr. Gorman indicated that according to the record, BEM has been diagnosed with multiple diagnoses including ADHD, Mood Disorder NOS, Personality Disorder NOS, Bipolar I Disorder, with possible psychotic features, and Generalized Anxiety Disorder. Dr. Gorham explained that the variance in his diagnoses are likely a result of BEM's complex symptom

presentation and his inability to meet full criteria for a single diagnosis. Dr. Gorham explained that BEM exhibits multiple symptoms characteristic of Bipolar Disorder I that caused significant impairment in important areas of his life; however he does not meet full criteria for manic episode as the periods of elevated and expansive mood are not abnormal nor distinct for him. Dr. Gorman noted that records and observations indicate that BEM's baseline of functioning include grandiosity, pressured speech, and increase in goal directed activity, and impulsivity. There are no distinct periods of time where these symptoms emerge or dissipate, rather they are constant. Additionally, Dr. Gorham noted that there is some indication that BEM suffers from delusional ideation, so the specifier of with psychotic features was added to the diagnosis. Dr. Gorham found that BEM's egocentrism, hostility and anger, impulsivity and disregard for others needs or feelings, demonstrated by his actions both on the street and while incarcerated, indicated a diagnosis of Antisocial Personality Disorder. Dr. Gorham points to the evidence documented from his childhood and causes significant impairment in his daily functioning as evidenced by his legal problems, volatile intimate relationships, and inability to engage appropriately in interpersonal relationships. (Exhibit#1 and Testimony of Dr. Hoffman)

15. On February 29, 2016, Patricia Kenny, the Metro Boston Area Director, sent BEM a letter informing him that he was not eligible for DMH services because based on the documentation submitted, a qualifying diagnosis was not the primary cause of the functional impairment. Ms. Kenny informed BEM of his appeal rights. On March 8, 2016, BEM submitted an informal appeal of the February 29, 2016, denial. (Exhibit #11 and Exhibit #12)
16. On March 25, 2016, Dr. Hoffman issued a letter to BEM in which he upheld the previous denial of BEM's application for DMH services. Dr. Hoffman agreed with the previous determination that BEM did not meet the clinical criteria for DMH Services. In considering BEM's appeal Dr. Hoffman reviewed the clinical data and assessments contained in BEM's file. Dr. Hoffman informed BEM that since DMH services are designed for those with the most serious and persistent mental disorders, many disorders of emotion or behavior are specifically excluded. As a result not all individuals with behavioral disturbances are eligible for DMH services. Dr. Hoffman further stated that having a diagnosis that meets DMH criteria does not necessarily lead to a positive determination. If an individual's psychiatric impairments are at a relatively low level of severity or if the functional impairments are not primarily the result of the qualifying psychiatric diagnosis, then a person will be found to not meet the Department's criteria. Dr. Hoffman continued by stating that an individual's health record must contain sufficient information to not only identify, but also support the accuracy of a person's diagnosis. Additionally, an individual's needs must be able to be met by a DMH service and not met by other services based on an assessment of the individual's current medical entitlements. Dr. Hoffman acknowledged that BEM's medical history contains references to a number of different diagnoses including Bipolar I Disorder, however Dr. Hoffman found that there was no definitive documentation of the presence of psychotic symptoms consistent with the diagnosis, and found that the opinion's contained in the record and his presentation was more consistent with a Bipolar II Disorder with episodic

Hypomania appeared to be more accurate. Dr. Hoffman found that BEM's clearly documented Antisocial Personality Disorder and history of ADHD would explain episodes of agitation, anger and impulsivity in the absence of active mood symptoms, would support the conclusion that a potentially qualifying diagnosis such as Bipolar II is not severe enough nor the overriding primary issue explaining BEM's functional impairments. BEM was given information on how to appeal this decision. (Exhibit#9)

17. On April 14, 2016, BEM appealed the March 25, 2016, determination of Dr. Hoffman to Commissioner Joan Mikula. (Exhibit #7)
18. On June 23, 2016, Dr. Hoffman conducted a face-to-face interview with BEM concerning his appeal request. In addition to the interview, Dr. Hoffman again reviewed the submitted clinical documents. After meeting with BEM, Dr. Hoffman expressed doubts that BEM even meets the criteria for Bipolar II Disorder. During his meeting with Dr. Hoffman BEM stated that he was sleeping 12 hours a day. Dr. Hoffman noted that in most, if not all, cases where you have hypomania or mania, decreased sleep or need for sleep are "part and parcel" of a manic episode and if someone is agitated, violent or threatening and is sleeping 12 hours a day the behavior would not be because they are manic. In addition BEM denied hallucinations, denied paranoia, denied delusions and denied having any symptoms and in essence denied that he believed he had a mental illness. His mental status examination was consistent with the BEM's presentation at the hearing in that he was personable, logical and had the ability to conduct himself appropriately which is not consistent with depression or mania. In reviewing the record Dr. Hoffman could not find evidence that BEM experienced a consistent week of manic behavior which is necessary for a Bipolar diagnosis. Dr. Hoffman did find however that BEM did in fact meet the diagnosis of Antisocial Personality Disorder which is well-documented in the medical records provided by FMC Devens. Antisocial Personality Disorder is not a qualifying diagnosis for DMH services. In addition, Dr. Hoffman does not believe, from a psychiatric perspective, that BEM has a functional impairment and that if was released to the community he would not require psychiatric hospitalization. Dr. Hoffman noted that it is well documented in the record that BEM has issues with agitation, impulsivity and threatening and violent behavior. Dr. Hoffman stated that if these behaviors were even considered to be a functional impairment it would be the result of the combination of Antisocial Personality Disorder, ADHD and potentially his status post significant head injury all of which are not qualifying diagnoses. Dr. Hoffman stated that if BEM was returned to the community some of the service he would require include outpatient counseling, possibly anger management classes, psychotherapy and continuing taking prescribed medications. These services are generally not provided by DMH if the person has insurance and the service can be provided through the insurance carrier. After meeting with BEM, Dr. Hoffman formulated the diagnosis of Antisocial Personality Disorder, Narcissistic Personality Disorder, ADHD, Rule out Traumatic Brain Injury and Rule out Bipolar II. Of these diagnoses only Bipolar II could potentially be a qualifying diagnosis but only if there was severe depression, suicidality and an inability to function because of depression which is not the case with BEM. (Testimony of Dr. Hoffman)

19. BEM disagrees with his previous diagnosis of Bipolar I with psychotic features which was given to him by Dr. Channell. This diagnosis was given in sworn court testimony at the hearing concerning his civil commitment pursuant to Title 18, United States Code. Section 4246. At the same hearing BEM hired his own expert witness Dr. David Kriegman who made the determination that in his opinion BEM did not meet the criteria for having a major mental illness. BEM believes he currently carries a Bipolar II diagnosis. (Testimony of BEM)
20. BEM, while being held on his civil commitment, has engaged in numerous educational programs and has successfully completed the educational portion of the rehabilitative services program of the Board of Prisons. (Id.)

III. CONCLUSIONS:

At issue is whether BEM meets the clinical criteria of the DMH for continuing care services as set forth in 104 CMR 29.04(2)(a). To meet the clinical eligibility criteria for receipt of DMH services the adult must have a mental illness that:

1. includes a substantial disorder of thought, mood, perception, which grossly impairs judgment, behavior, capacity to recognize reality or the ability to meet the ordinary demands of life; and
2. is the primary cause of a functional impairment that substantially interferes with or limits the performance of one or more major life activities, and is expected to do so in the succeeding year; and
3. meets diagnostic criteria specified within the current edition of *Diagnostic and Statistical Manual of Mental Disorders*, (4th ed., text revision) American Psychiatric Association, Washington DC (2000), which indicates that the individual has a serious, long term mental illness that is not based on symptoms primarily caused by:
 - a. developmental disorders usually first diagnosed in infancy, childhood, or adolescence, such as mental retardation or pervasive developmental disorders; or
 - b. cognitive disorders, including delirium, dementia or amnesia; or
 - c. mental disorders due to a general medical condition not elsewhere classified; or
 - d. substance-related disorders.

BEM as the Appellant can only prevail in his appeal of his denial if it is shown that the denial of eligibility lacks a reasonable basis (104 CMR 29.16 (2)(a)). After reviewing the record I find that BEM cannot prevail on this because I find the opinion of Dr. Hoffman to be reasonable that BEM does not have a psychiatric disorder that qualifies for DMH services. After reviewing all

of the available clinical information, Dr. Hoffman found that BEM's clinical presentation is most consistent with a diagnosis of Antisocial Personality Disorder, Narcissistic Personality Disorder, Attention Deficit Hyperactivity Disorder, Rule out Traumatic Brain Injury and Rule out Bipolar II. Of these diagnoses only Bipolar II could potentially be a qualifying diagnosis but only if there was severe depression, suicidality and an inability to function because of depression which is not supported by the evidence contained in the record including numerous medical records of clinical encounters at FMC Devens between October 2015 through June 2016. During his in-person meeting with Dr. Hoffman, BEM stated that he was sleeping 12 hours a day. Dr. Hoffman noted that in most, if not all, cases where you have hypomania or mania, decreased sleep or need for sleep are "part and parcel" of a manic episode and if someone is agitated, violent or threatening and is sleeping 12 hours a day the behavior it is not because they are manic. In addition BEM denied hallucinations, denied paranoia, denied delusions and denied having any symptoms and in essence denied that he believed he had a mental illness. This is consistent with the sworn testimony of BEM's own expert witness Dr. David Kriegman and to a large part Dr. Hoffman.

As to whether or not BEM has a functional impairment that substantially interferes with or limits the performance of one or more major life activities, the Department's position is that from a psychiatric perspective, BEM does not have a functional impairment and that if was released to the community he would not require psychiatric hospitalization. His mental status examination was consistent with the BEM's presentation at the hearing in that he was personable, logical and had the ability to conduct himself appropriately. BEM has worked in the construction industry. BEM reported he completed a 15-week legal preparation course at Suffolk Law School and he took building construction and technology courses at Wentworth Institute of Technology in Boston. BEM reported that he is a few credits short of obtaining an Associate's Degree. BEM indicated that he is currently married. BEM, while being held on his civil commitment, has engaged in numerous educational programs and has successfully completed the educational portion of the rehabilitative services program of the Board of Prisons. While recognizing that behavioral issues exist, Dr. Hoffman stated that if BEM was returned to the community some of the services he would require include outpatient counseling, possibly anger management classes, psychotherapy and continuing taking prescribed medications. These services are generally not provided by DMH if the person has insurance and the service can be provided through the insurance carrier. This hearing officer finds that BEM does not have a functional impairment that substantially interferes with or limits the performance of one or more major life activities.

IV. ORDER:

The DMH determination that BEM is not eligible for adult services has a reasonable basis and is **confirmed**.

V. APPEAL:

As the Appellant, BEM may petition the Commissioner for a rehearing pursuant to 104 CMR 29.16(6) and any person aggrieved by a final decision of the DMH may appeal to the Superior Court pursuant to 104 CMR 29.16 (8) and in accordance with the standards and procedures contained in M.G. L. c. 30A § 14.

October 24, 2016



Dominic J. Gervasi, Esq., Hearing Officer

RE: BRIAN E. MAHONEY
DMH Eligibility Appeal
Fair Hearing: 2016

List of Exhibits

<u>Exhibit #</u>	<u>Date</u>	<u>Document</u>
1	6-24-16	Letter to Dr. David Hoffman (DMH) from Mr. Mahoney with Exhibits attached
2	5-31-16	Letter to DMH Commissioner Mikula from Mr. Mahoney with enclosure:
		• Exhibit B – Boston Police records
3	5-9-16	Letter to D. Morganelli (DMH) from Mr. Mahoney confirm receipt of Notice
4	4-28-16	Letter to Dominic Gervasi from Mr. Mahoney with enclosures:
		• Joint Appendix to <u>USA v. Brian E. Mahoney</u> , U.S. Appeals 1 st Circuit of MA, No. 14-2243
		• Letter to Mr. Mahoney from Atty. Michael Schneider
		• Medical records & expenses (2010)
5	4-28-16	Response Letter to Mr. Mahoney from D. Morganelli with enclosure:
		• 4-25-16 assignment letter to Atty. Gervasi
6	4-25-16	<u>Notice of Fair Hearing</u> , appointment of hearing officer, Dominic Gervasi, Esq.
7	4-7-16	Request for Service Appeal to DMH Commissioner Mikula from Mr. Mahoney
8	4-4-16	Appeal letter to Patricia Kenny (DMH) from Mr. Mahoney with attached case law:
		• <u>Ecker v. U.S.A.</u>
9	3-25-16	Denial Letter in Response to Mr. Mahoney's Appeal from Dr. David Hoffman (DMH)
10	3-11-16	Dismissal of charges; Letter to Mr. Mahoney from A. Schulman, Esq.
11	3-8-16	Request for Informal meeting w/ David Tack (DMH)
12	2-29-16	Denial Letter in Response to Mr. Mahoney's Appeal from Patricia Kenny (DMH)
13	2-2016	<u>DMH Adult Services Application</u> from Mr. Mahoney
		<u>Federal Bureau of Prisons:</u>
14	1-6-16	Medication Summary from Bureau of Prisons of Mr. Mahoney
15	11-23-15	Letter in response to request for records from Warden Grondolsky
		• Miscellaneous Medical Records of Mr. Mahoney
16	11-6-15	Letter from Warden Grondolsky with following enclosures:
		• Risk Assessment Report (11-6-15)
17	8-1-16	Letter to Dr. David Hoffman (DMH) from Mr. Mahoney with medical records from Goodwin Community Health Center

RE: BRIAN E. MAHONEY

DMH Eligibility Appeal

Fair Hearing: 2016

18 8-28-16 Letter to Hearing Officer Dominic Gervasi with 2-21-13 order
From J. Plante.

19 5-20-13 Forensic report of Mr. Mahoney completed by Dr Channell.

Exhibit "4" (42/106)

AUG. 22. 2005 3:08PM G... of MASS SORB

NO. 4685 P. 9/17

***** WARNING *****

THIS INFORMATION IS CORI. IT IS NOT SUPPORTED BY FINGERPRINTS.
 PLEASE CHECK THAT THE NAME REFERENCED BELOW MATCHES THE NAME AND DATE OF BIRTH
 OF THE PERSON REQUESTED.

***** COMMONWEALTH OF MASSACHUSETTS *****
 CRIMINAL HISTORY SYSTEMS BOARD

*** PERSONS COURT SUMMARY ***

NAM: MAHONEY, BRIAN E
 DOB: 05/23/59 SEX: M RAC: W
 MOM: COLLINS POP: MELVIN
 ADDRESS: 90 ELM ST CHARLESTOWN

FORMAL-NAM: BRIAN
 POB: QUINCY
 HGT: 601

PCF: 00001109659
 SSN: 020509042

WGT: 187 HAI: BRO EYE: BRO

*East Cambridge not here
 Billerica not here*

***** ADULT APPEARANCES *****

ARRAIGNMENT: (001)

ARG-DATE: 09/28/04 PD: EVE COURT: MALDEN DISTRICT
 OFF: ABUSE PREVENTION ACT
 DISP: WAR/W/D C 2/16/05 C 4/11/05 JT 9/12/05

DKT#: 0450CR2520Z
 AB PREV ACT
 STATUS: O WPD:

ARRAIGNMENT: (002)

ARG-DATE: 09/28/04 PD: EVE COURT: MALDEN DISTRICT
 OFF: THREATENING TO KILL
 DISP: WAR/WD C 2/16/05 C 4/11/05 JT 9/12/05

DKT#: 0450CR2820
 THREAT
 STATUS: O WPD:

ARRAIGNMENT: (003)

ARG-DATE: 01/12/04 PD: BOS COURT: BOSTON DISTRICT
 OFF: BE SEX OFFENDER FL TO REGISTER
 DISP: C 8/25/04 DISM

DKT#: 0401CR21
 SEX OFFDR FL REG
 STATUS: C WPD:

ARRAIGNMENT: (004)

ARG-DATE: 12/18/03 PD: BOS COURT: DORCHESTER DISTRICT
 OFF: THREATENING BOD HARM
 DISP: C 3/9/04 G 45DA CMTD

DKT#: 0207CR072
 THREAT
 STATUS: C WPD:

(43/106)

AUG. 22, 2005, 3:08PM DJ-CU of MASS SORB

NO. 4685 P. 10/17

ARRAIGNMENT: (006)

ARG-DATE: 01/28/03 PD: SH4 COURT: CHARLESTOWN DISTRICT
 OFF: LEAVING SCENE: PROPERTY DAMGE
 DISP: WAR WAR/WD C3/5/04 DISM

DKT#: 0204CR0757A
 113A
 STATUS: C WPD:

ARRAIGNMENT: (007)

ARG-DATE: 01/28/03 PD: SH4 COURT: CHARLESTOWN DISTRICT
 OFF: OPERATING AFTER REVOKE LICENSE HTO
 DISP: WAR WAR/WD C3/5/04 DISM

DKT#: 0204CR0757B
 114B-REV
 STATUS: C WPD:

ARRAIGNMENT: (008)

ARG-DATE: 10/31/01 PD: DEN COURT: ORLEANS DISTRICT
 OFF: LEAVING SCENE: PROPERTY DAMGE
 DISP: DF (2) 3/8/04 D/R G 60DA CMTD CONC

DKT#: 0126CR2388A
 113A
 STATUS: C WPD:

ARRAIGNMENT: (009)

ARG-DATE: 10/31/01 PD: DEN COURT: ORLEANS DISTRICT
 OFF: OPERATING AFTER REVOKE LICENSE
 DISP: DF (2) 3/8/04 D/R G 60DA CMTD CONC

DKT#: 0126CR2388B
 114B-REV
 STATUS: C WPD:

ARRAIGNMENT: (010)

ARG-DATE: 10/31/01 PD: DEN COURT: ORLEANS DISTRICT
 OFF: OPER TO END (LIVES&SAFTEY)
 DISP: DF (2) 3/8/04 D/R G 60DA CMTD CONC

DKT#: 0126CR2388C
 112A
 STATUS: C WPD:

ARRAIGNMENT: (011)

ARG-DATE: 06/08/99 PD: REV COURT: CHELSEA DISTRICT
 OFF: ATTACHING WRONG MV PLATES
 DISP: DF 11/23/03 D/R 5/13/04 (JT) 8/12/04 DISM

DKT#: 9914CR1760
 124P
 STATUS: C WPD:

ARRAIGNMENT: (012)

ARG-DATE: 06/08/99 PD: REV COURT: CHELSEA DISTRICT
 OFF: OPER NEGLIGENTLY
 DISP: DF 11/21/03 D/R 5/13/04 (JT) 8/12/04 DISM

DKT#: 9914CR1761
 MV OP NEG
 STATUS: C WPD:

ARRAIGNMENT: (013)

ARG-DATE: 06/08/99 PD: REV COURT: CHELSEA DISTRICT

DKT#: 9914CR176

(44/10)

AUG. 22. 2005 3:08PM COH... of MASS SORB

ARRAIGNMENT: (014)

ARG-DATE: 06/08/99 PD: REV COURT: CHELSEA DISTRICT
OFF: COMPULSORY INSURANCE VIOLATION
DISP: DF 11/21/03 D/R 5/13/04 (JT) 8/12/04 DISM

NO. 4685 P. 11/17

DKT#: 9914CR1760F
118A
STATUS: C WPD:

✓

ARRAIGNMENT: (015)

ARG-DATE: 05/03/99 PD: WIT COURT: EAST BOSTON DISTRICT
OFF: A&B DANGEROUS WEAPON
DISP: WAR/WD 3/3/04 FILED W/O CHANGE OF PLEADKT#: 9905CR0913A
A&B DW
STATUS: C WPD:

ARRAIGNMENT: (016)

ARG-DATE: 10/23/98 PD: BOS COURT: CHARLESTOWN DISTRICT
OFF: KNOWINGLY REC STOLEN PROP MV
DISP: WAR WAR/WD C1/26/04 DISMDKT#: 9804CR0686A
RSG
STATUS: C WPD:

ARRAIGNMENT: (017)

ARG-DATE: 10/23/98 PD: BOS COURT: CHARLESTOWN DISTRICT
OFF: CRIME OF (SPECIFY IN FULL) NUMBER PLATE VIOL
DISP: WAR WAR/WD C1/26/04 DISMDKT#: 9804CR0686
CRIME OF
STATUS: C WPD:

✓

ARRAIGNMENT: (018)

ARG-DATE: 10/23/98 PD: BOS COURT: CHARLESTOWN DISTRICT
OFF: COMPULSORY INSURANCE VIOLATION
DISP: WAR WAR/WD C1/26/04 DISMDKT#: 9804CR068
118A
STATUS: C WPD:

✓

ARRAIGNMENT: (019)

ARG-DATE: 09/22/98 PD: MDC COURT: EAST BOSTON DISTRICT
OFF: KNOWINGLY REC STOLEN PROP
DISP: WAR/WD 3/3/04 \$125 FINE VWF 12/3/04 DFDKT#: 9805CR16:
RSG
STATUS: O WPD:

ARRAIGNMENT: (020)

ARG-DATE: 09/22/98 PD: MDC COURT: EAST BOSTON DISTRICT
OFF: COMPULSORY INSURANCE VIOLATION
DISP: WAR/WD 3/3/04 DISMDKT#: 9805CR16:
118A
STATUS: C WPD:

✓

ARRAIGNMENT: (021)

ARG-DATE: 09/22/98 PD: MDC COURT: EAST BOSTON DISTRICT
OFF: ATTACHING WRONG MV PLATES
DISP: WAR/WD 3/3/04 G FILEDDKT#: 9805CR16:
124P
STATUS: C WPD:

(45/1)

AUG. 22. 2005. 3:09PM 93 - CL..... of MASS SORRY LYNN DISTRICT
 ARG-DATE: 11/13/93 OFF: OPER TO END 1-1-VB SAFTEY)
 DISP: DF 2/14/94 D/R 5/31/94 G \$200 FINE VWF 7/1/94 WF
 3/17/95 D/R PD

NO. 4685 P. 14/17K/46
 112A
 STATUS: C WPD:

ARRAIGNMENT: (040)

ARG-DATE: 09/13/90 PD: COURT: CAMBRIDGE JURY OF SIX
 OFF: COMPULSORY INSURANCE VIOLATION
 DISP: C 10/9/90 G VWF FINE \$625 6 MO SS 10/9/92 (@10)
 TERM

DKT#: 90652JR988
 118A
 STATUS: C WPD:

ARRAIGNMENT: (041)

ARG-DATE: 09/13/90 PD: COURT: CAMBRIDGE JURY OF SIX
 OFF: ATTACHING WRONG MV PLATES
 DISP: C 10/9/90 G FILE (@10)

DKT#: 90652JR988
 124P
 STATUS: C WPD:

ARRAIGNMENT: (042)

ARG-DATE: 05/03/90 PD: COURT: SOMERVILLE DISTRICT
 OFF: COMPULSORY INSURANCE VIOLATION
 DISP: C 8/24/90 FJ

DKT#: 9010CR120
 118A
 STATUS: C WPD:

ARRAIGNMENT: (043)

ARG-DATE: 05/03/90 PD: COURT: SOMERVILLE DISTRICT
 OFF: ATTACHING WRONG MV PLATES
 DISP: C 8/24/90 FJ

DKT#: 9010CR12
 124P
 STATUS: C WPD:

ARRAIGNMENT: (044)

ARG-DATE: 09/23/83 PD: COURT: SUFFOLK SUPERIOR
 OFF: A&B DANGEROUS WEAPON KNIFE
 DISP: 5-10YR CMTD

DKT#: 03
 A&B DW
 STATUS: C WPD:

ARRAIGNMENT: (045)

ARG-DATE: 09/23/83 PD: COURT: SUFFOLK SUPERIOR
 OFF: RAPE ORAL ATT
 DISP: 8-12YR CMTD

DKT#: C
 RAPE
 STATUS: C WPD:

ARRAIGNMENT: (046)

ARG-DATE: 09/23/83 PD: COURT: SUFFOLK SUPERIOR
 OFF: INTIMIDATION WITNESSES
 DISP: 2 1/2-3YR CMTD

DKT#:
 INTIM
 STATUS: C WP

AUG. 22. 2005 3:09PM

Commonwealth of MASS SORB

(46/10)

ARRAIGNMENT: (048)
 ARG-DATE: 02/19/82 PD: COURT: CHARLESTOWN DISTRICT
 OFF: RAPE ORAE ATT.
 DISP: C 5/10/82 BO

NO. 4685 P. 15/17
 DKT#: 228
 RAPE
 STATUS: C WPD:

(1) ARRAIGNMENT: (049)
 ARG-DATE: 01/18/82 PD: COURT: BOSTON DISTRICT
 OFF: BREAKING GLASS
 DISP: (PROB 2/3/83 DF WAR) 2/3/04 WAR/WD C 8/25/04
 Dismissed

DKT#: 490
 GLS BRK
 STATUS: O WPD:

ARRAIGNMENT: (050)
 ARG-DATE: 11/04/80 PD: COURT: EAST BOSTON DISTRICT DKT#: 286
 OFF: NO SUPPORT (SPECIEXT) ILLEGIT. CHILD NS
 DISP: (DF WAR) 1/18/82 WAR/WD 4/5/82 WAR WAR/WD 5/24/96 STATUS: C WPD:
 DISM

ARRAIGNMENT: (051)
 ARG-DATE: 07/28/80 PD: COURT: WOBURN DISTRICT DKT#:
 OFF: UTTERING FORGE INST
 DISP: DF 2/19/82 D/R C 3/16/81 G FILE STATUS: C WPD:

ARRAIGNMENT: (052)
 ARG-DATE: 07/28/80 PD: COURT: WOBURN DISTRICT DKT#:
 OFF: LARCENY MORE LAR MORE
 DISP: DF 2/19/82 D/R C 3/16/81 G FILE STATUS: C WP

ARRAIGNMENT: (053)
 ARG-DATE: 07/28/80 PD: COURT: WOBURN DISTRICT DKT#:
 OFF: KNOWINGLY REC STOLEN PROP RSG
 DISP: DF 2/19/82 D/R C 3/16/81 G FILE STATUS: C

ARRAIGNMENT: (054)
 ARG-DATE: 05/07/80 PD: COURT: LOWELL JURY OF SIX DKT#:
 OFF: CREDIT CARD MISUSE MISUSE
 DISP: FILE CRDT CARD
 STATUS: C

ARRAIGNMENT: (055)
 ARG-DATE: 05/07/80 PD: COURT: LOWELL JURY OF SIX DKT#:
 OFF: LARCENY ATT LAR
 DISP: 1982 VOP DF 3/1/82 D/R 1YR CMTD STATUS:

AUG. 22, 2005 3:10PM
 ARRAIGNMENT: 12/17/79 COURT: MASS SORB
 OFF: ARMED ROBBERY COUNT: SUFFOLK SUPERIOR
 DISP: DISM ✓

(47/1)
 NO. 4685M P. 16/17
 STATUS: C WPD:

ARRAIGNMENT: (057)
 ARG-DATE: 12/17/79 PD: COURT: SUFFOLK SUPERIOR
 OFF: PROPERTY VIOLATION DEST PER PROP
 DISP: DISM ✓

DKT#: 6350
 PROP VIOL
 STATUS: C WPD:

ARRAIGNMENT: (058)
 ARG-DATE: 12/17/79 PD: COURT: SUFFOLK SUPERIOR
 OFF: THREATENING DEST PER PROP
 DISP: DISM ✓

DKT#: 63501
 THREAT
 STATUS: C WPD:

ARRAIGNMENT: (059)
 ARG-DATE: 08/03/79 PD: COURT: LOWELL JURY OF SIX
 OFF: KNOWINGLY REC STOLEN PROP
 DISP: G FILE (@53) ✓

DKT#: JR796114
 RSG
 STATUS: C WPD:

ARRAIGNMENT: (060)
 ARG-DATE: 08/03/79 PD: COURT: LOWELL JURY OF SIX
 OFF: LARCENY MORE
 DISP: G CMTD (@53) ✓

DKT#: JR7961
 LAR
 STATUS: C WP

ARRAIGNMENT: (061)
 ARG-DATE: 07/26/79 PD: COURT: BOSTON MUNICIPAL JURY OF DKT#:
 OFF: POSS CLASS D CONT SUB CSA POSS D
 DISP: 3MO SS 1/16/80 20MO CMTD STATUS: C ✓

ARRAIGNMENT: (062)
 ARG-DATE: 04/20/79 PD: COURT: CHARLESTOWN DISTRICT
 OFF: POSS CLASS D CONT SUB MARIJ
 DISP: G 6MO SS 5/9/80 \$200 FINE APP

DKT#:
 CSA POSS D
 STATUS: C

ARRAIGNMENT: (063)
 ARG-DATE: 04/04/79 PD: COURT: CHARLESTOWN DISTRICT
 OFF: ARMED ROBBERY
 DISP: C 4/20/79 BO

DKT#:
 ROB ARM
 STATUS: C

DISP: 2005 3:10PMBO C. of MASS SORB

NO. 4685 P. 17/17

(481)

ARRAIGNMENT: (065)
 ARG-DATE: 04/04/79 PD: COURT: CHARLESTOWN DISTRICT DKT#: 116
 OFF: THREATENING
 DISP: C 4/20/79 BO THREAT
 STATUS: C WPD:

ARRAIGNMENT: (066)
 ARG-DATE: 04/03/79 PD: COURT: WOBURN DISTRICT DKT#: 7940
 OFF: LARCENY ATT
 DISP: 1YR SS 4/23/81 APP LAR
 STATUS: C WPD:

ARRAIGNMENT: (067)
 ARG-DATE: 04/03/79 PD: COURT: WOBURN DISTRICT DKT#: 635055
 OFF: CREDIT CARD MISUSE MISAPPROPRIATE
 DISP: C 4/23/79 1YR SS 4/23/81 APP STATUS: C WPD:

ARRAIGNMENT: (068)
 ARG-DATE: 03/06/79 PD: COURT: MIDDLESEX SUPERIOR DKT#: 78
 OFF: KNOWINGLY REC STOLEN PROP RSG
 DISP: 3MO SS 3/6/81 10/22/80 VOP WAR 12/13/83/WAR/WD STATUS: C WPD:
 TERM

ARRAIGNMENT: (069)
 ARG-DATE: 01/29/79 PD: COURT: SUFFOLK SUPERIOR DKT#: 635
 OFF: B&E NIGHT
 DISP: FILE B&E NT
 STATUS: C WPD:

ARRAIGNMENT: (070)
 ARG-DATE: 01/29/79 PD: COURT: SUFFOLK SUPERIOR DKT#: 6
 OFF: ASSAULT DANGEROUS WEAPON PLIERS PO
 DISP: 2YR SS 10/22/80 VOP WAR 12/13/83 WAR/WD TERM STATUS: C WP

ARRAIGNMENT: (071)
 ARG-DATE: 01/29/79 PD: COURT: SUFFOLK SUPERIOR DKT#:
 OFF: ASSAULT AND BATTERY A&B
 DISP: 2YR SS 10/2/80 VOP WAR 12/13/83 WAR/WD TERM STATUS: C

ARRAIGNMENT: (072)
 ARG-DATE: 01/29/79 PD: COURT: SUFFOLK SUPERIOR DKT#:
 OFF: B&D
 DISP: 2YR SS 10/2/80 VOP WAR 12/13/83 WAR/WD TERM

DRAFT

(49/1)

AUG. 22. 2005 3:10PM 1000 of MASS SORB

NO. 4687 P. 1/68

ARRAIGNMENT: (073)

ARG-DATE: 12/25/78 PD: COURT: CHARLESTOWN DISTRICT
OFF: ASSAULT AND BATTERY
DISP: 3MO CMTDDKT#: 6350332
A&B
STATUS: C WPD:

ARRAIGNMENT: (074)

ARG-DATE: 12/25/78 PD: COURT: CHARLESTOWN DISTRICT
OFF: PROPERTY VIOLATION INJ PERS PROP
DISP: C 3/10/79 3MO CMTDDKT#: 6350392
PROP VIOL
STATUS: C WPD:

ARRAIGNMENT: (075)

ARG-DATE: 11/04/78 PD: COURT: CHARLESTOWN DISTRICT
OFF: KNOWINGLY REC STOLEN PROP
DISP: DF WAR 11/30/78 WAR/WD 3MO CMTD APPDKT#: 6350452
RSG
STATUS: C WPD:

ARRAIGNMENT: (076)

ARG-DATE: 10/06/78 PD: COURT: CHARLESTOWN DISTRICT
OFF: LARCENY MORE
DISP: DF WAR WAR/WD G \$50 FINE DF 4/4/79 D/R PD DISMDKT#: 635044
LAR MORE
STATUS: C WPD:

ARRAIGNMENT: (077)

ARG-DATE: 09/20/78 PD: COURT: CHARLESTOWN DISTRICT
OFF: B&E NIGHT
DISP: G PROB 9/20/79 APPDKT#: 63504
B&E NT
STATUS: C WPD:

ARRAIGNMENT: (078)

ARG-DATE: 09/20/78 PD: COURT: CHARLESTOWN DISTRICT
OFF: ASSAULT DANGEROUS WEAPON PO
DISP: C 10/6/78 G \$1000 FINE APPDKT#: 6350
ASLT DW
STATUS: C WPD:

ARRAIGNMENT: (079)

ARG-DATE: 07/07/77 PD: COURT: CHARLESTOWN DISTRICT
OFF: ASSAULT AND BATTERY
DISP: G 6MO CMTD APPDKT#: 635
A&B
STATUS: C WPD:

ARRAIGNMENT: (080)

ARG-DATE: 07/07/77 PD: COURT: CHARLESTOWN DISTRICT
OFF: ASSAULT DANGEROUS WEAPON KNIFE
DISP: G 2 1/2YRS CMTD APPDKT#: 63
ASLT DW
STATUS: C WP

(50/106)

AUG. 22. 2005, 3:10PM BBF COMM of MASS SORB
DISP: C 11/20/77

NO. 4687 P. 2/68
RUB ARM
STATUS: C WPD:

ARRAIGNMENT: (082)

ARG-DATE: 12/06/76 PD: COURT: CHELSEA DISTRICT
OFF: POSS DANGEROUS WEAPON
DISP: C 1/20/77 FJ

DKT#: 635027Z
POSS DW
STATUS: C WPD:

ARRAIGNMENT: (083)

ARG-DATE: 09/10/76 PD: COURT: CHARLESTOWN DISTRICT
OFF: MAL DESTRUCTION OF PROPERTY
DISP: C 5/22/77 DISM

DKT#: 635025Z
PROP MAL DES
STATUS: C WPD:

***** * END OF ADULT APPEARANCES *****

REQUESTED BY: MVOZZELLA/SORB
COMPLETED BY: VOZZELLA, MICHAEL
AGENCY: SEX OFFENDER REGISTRY - KAG